



CODE OF CONDUCT FOR BOARD MEMBERS

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Date of initial Board Adoption	10 November 1999
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Date of Audit Committee Endorsement (if applicable)	N/A
Date last reviewed by Eastern Health Authority Board of Management	2 December 2020
<i>Related Document Reference</i>	EHA Charter 3.2 & 3.3

1. Introduction

This Code of Conduct (this Code) sets out the principles of good conduct and standards of behaviour that the Members of the Board of Management (the Board) of Eastern Health Authority (EHA) have agreed to demonstrate.

The standards in this Code of Conduct are in addition to any statutory requirements of the *Local Government Act 1999* or any other relevant Act or Regulation applicable to Board Members of EHA in the performance of their function, role and responsibilities.

2. Statement of Commitment

We, the Members of the Board of EHA, are committed to discharging our duties conscientiously and to the best of our ability. We will not at any time make improper use of our position as a Member of the Board or of any information acquired in the course of our duties.

In the performance of our role we will act with honesty and integrity and conduct ourselves in a way that generates community trust and confidence in us as individuals and enhances the role and image of EHA.

In addition to all legislative requirements we, the Board of EHA, agree to abide by this Code and have adopted the requirements set out herein as the standards of behaviour that we will observe in the performance of our functions, duties and responsibilities.

3. Principles of this Code of Conduct

As Members of the Board of EHA we will –

3.1 Role of a Board Member

- show commitment and discharge our duties conscientiously and to the best of our ability
- act in a fair, honest and proper manner and according to the law
- act with reasonable care and be diligent in the performance of our functions, duties and responsibilities
- act in good faith and not for improper or ulterior motives
- have due regard to the laws dealing with conflict of interest in relation to all our duties and behaviours and exercise the highest level of integrity expected of people holding public office
- not misuse our positions to gain an advantage for ourselves or others or to cause detriment to EHA
- at all times behave in a manner that maintains and enhances the image of EHA and/or does not reflect adversely on EHA
- be impartial in reaching decisions and accept the responsibilities associated with those decisions.

3.2 Relationships

- act in a reasonable, just and non-discriminatory manner when dealing with people
- seek to achieve a team approach when dealing with the employees of EHA and an environment of mutual respect and trust
- treat staff of EHA with respect for and acceptance of their different roles in achieving EHA's objectives
- seek to establish a working relationship with fellow Members of the Board of EHA that recognises and respects the diversity of opinion and seeks to achieve the best possible outcomes for the community
- in our dealings with other Members of the Board of EHA and with the employees of EHA, ensure that our behaviour is not and cannot be interpreted to constitute bullying or harassment
- ensure that we uphold the values of EHA in all interactions.

3.3 Information

- not use information obtained as a result of our position as a Member of the Board of EHA for any purpose other than that required to fulfil our roles and responsibilities as a Member of the Board
- respect and maintain confidentiality, and not at any time release to any person or organisation any documents or information that the Board of EHA has resolved be kept confidential, that have otherwise been delivered to us as a member of the Board with an indication that they are confidential or that we ought reasonably know are confidential and/or ought to be kept confidential.

3.4 Communication

- be fair and honest in our dealings with individuals and organisations and behave in a manner that facilitates constructive communication between the Board of EHA and the community
- when making comments to the media, state clearly that we are expressing our personal opinion and not that of EHA (unless a Member of the Board is authorised by the CEO to speak on its behalf)
- when making personal comments, show respect for decisions of EHA, other Members of the Board and employees of EHA
- in our dealings with other Members of the Board, employees of EHA and the community, endeavour to ensure that our communication, written or verbal (or otherwise), is not offensive to any person or otherwise defamatory.

4. Complaints

A complaint about the behaviour of a Member of the Board under this Code will be investigated and appropriate action taken to ensure the complaint is addressed and to reduce the likelihood of further breaches of this Code occurring. EHA has adopted a procedure for handling such complaints. (Attached to this policy)

Any person who believes a breach of this Code of Conduct may have occurred is encouraged to bring details to the attention of the Chief Executive Officer of EHA via telephone (8132 3600) or e-mail (mlivori@eha.sa.gov.au).

A disclosure of public interest information can be made in accordance with EHA's Public Interest Disclosure Procedure.

5. Further Information

The public may inspect this Code on EHA's website (www.eha.sa.gov.au) and at the principal office of EHA at 101 Payneham Road, St Peters.

Any queries in relation to this Code can be directed to the Chief Executive Officer of EHA via telephone (8132 3600) or e-mail (mlivori@eha.sa.gov.au).

6. Statement of Adoption and Review

This Code of Conduct was adopted on 10 November 1999 and will be reviewed periodically.

EHA may at any time alter this Code or substitute a new Code of Conduct.



EASTERN HEALTH AUTHORITY BOARD MEMBER COMPLAINTS HANDLING PROCEDURE

Procedure Reference	GOVP03
Date of initial Board Adoption	10 November 1999
Minutes Reference	5:02122020
Date of Audit Committee endorsement (if applicable)	N/A
Date last reviewed by Eastern Health Authority Board of Management	2 December 2020
Applicable legislation	EHA Charter 3.2 & 3.3

1. Introduction

Eastern Health Authority (EHA) has adopted a Code of Conduct for Board Members. The Code of Conduct sets out the principles of good conduct and standards of behaviour that the Members of the Board of EHA (the Board) have agreed to demonstrate. The standards in the Code of Conduct are in addition to any statutory requirements of the *Local Government Act 1999* or any other relevant Act or Regulation applicable to Board Members in the performance of their function, role and responsibilities.

This procedure sets out the procedure that will be followed by EHA if a complaint is made under the Code of Conduct.

This procedure is in addition to the Public Interest Disclosure Procedure adopted by EHA which may apply to a complaint made under the Code of Conduct (the Code). In circumstances where the public interest disclosure procedure applies, if there is any inconsistency between this procedure and the Public Interest Disclosure Procedure, the latter will prevail to the extent of the inconsistency.

2. Behaviour Contrary to the Code of Conduct

EHA is committed to supporting members in complying with the Code and to investigating and addressing any complaints made relating to the Code.

3. Complaint Handling Process

3.1 Making a Complaint

A complaint made by any person that relates to an alleged breach of the Code must:

- be made in writing;
- identify the provision(s) of the Code which it alleges have been breached and provide all available evidence that supports the allegation(s) of the breach; and
- be delivered to the Chief Executive Officer of EHA (the CEO) (which includes any person acting in the Office of CEO).

Receipt of the complaint will be acknowledged to the complainant within 3 days of receiving the complaint where practicable.

3.2 Disclosure of complaint

The Member of the Board who is the subject of the complaint will be notified within 3 days of receipt of the complaint and of its substance, unless the complaint is referred to the Office for Public Integrity in accordance with the Independent Commissioner Against Corruption's *Directions and Guidelines for Public Officers* or it is otherwise not possible or practicable to do so.

The complaint will be treated with strict confidentiality as permitted or required by law until such time as it has been fully investigated and finally determined.

The complainant will be informed that he or she must also observe confidentiality with respect to the complaint.

On receipt of a complaint the CEO must bring the fact of the complaint (but not the detail of the allegations) to the attention of the Board as soon as possible.

3.3 Assessment of Complaint

The CEO will consider whether the complaint raises a potential issue of:

- corruption in public administration;
- serious or systemic 'misconduct in public administration'; or
- serious or systemic maladministration in public administration,

(as those terms are defined in the *Independent Commissioner Against Corruption Act 2012*).

If the complaint is required to be reported to the Office for Public Integrity it will be reported in accordance with the Independent Commissioner Against Corruption's *Directions and*

Guidelines for Public Officers. An investigation of the complaint under this procedure will only occur with the concurrence of the Independent Commissioner Against Corruption.

3.4 Investigation of Complaint by an Investigator

The CEO will cause an investigation of a complaint alleging a breach of the Code by appointing a person or body to conduct the investigation on EHA's behalf.

- 3.4.1 The investigator may determine that no further action should be taken with respect to the complaint where the investigator considers that the complaint is trivial, frivolous or vexatious. In this case the investigator will prepare a report to that effect and provide it to the CEO.
- 3.4.2 If the investigator considers an investigation of the complaint is appropriate, the investigator will ensure that:
 - 3.4.2.1 the investigation will be a thorough and balanced assessment of the available evidence regarding the alleged breach, the relevant circumstances prevailing at the time of the alleged breach and any other factors deemed relevant to making a fair and reasonable judgement about the matter;
 - 3.4.2.2 the Board Member who is the subject of the complaint will be provided with a reasonable opportunity to respond to and make submissions on the allegations to the investigator;
 - 3.4.2.3 the investigator must take all reasonable steps to ensure a written report is provided to EHA on the investigation undertaken within fourteen days of receiving submissions from the complainant and the Board Member who is the subject of the complaint, or such longer period as the Board may determine;
 - 3.4.2.4 if the investigator forms the view that additional time will be needed to conclude the investigation and finalise the report the investigator should bring this to the attention of EHA at the earliest convenience, but at the very least, before the expiration of the fourteen day timeframe; and
 - 3.4.2.5 after receipt of the final report from the investigator, EHA must provide to the Board Member who is the subject of the complaint and to the complainant, a copy of the investigation report on a confidentiality basis.

3.5 Determination of Complaint

- 3.5.1 The final report of the investigator will be presented at a meeting of EHA in confidence (ie public excluded), subject to Section 90(3) of the *Local Government Act 1999* being satisfied. If the matter will be considered in confidence, then the Board can resolve to make an order of confidentiality in respect of the final report. Exceptions to the order regarding confidentiality should provide for:

- (a) the provision of the final report and Board's decision in respect of the complaint to both the Board Member the subject of the complaint and the complainant; and
 - (b) if relevant, for the purpose of clause 3.5.4.5.
- 3.5.2 If the final report recommends the application of a penalty or a sanction, the Board Member, the subject of the complaint, will be provided with a reasonable opportunity to make submissions on the proposed penalty or sanction. Such submissions must be taken into account by the Board when determining the penalty or sanction to impose.
- 3.5.3 On receipt of the final report of the investigator the Board (excluding the Board Member the subject of the complaint) will determine an appropriate penalty or sanction to impose should there be a finding that there has been a breach of the Code.
- 3.5.4 EHA may impose one or more of the following penalties or sanctions in relation to a finding of a breach of the Code:
 - 3.5.4.1 censure the Board Member;
 - 3.5.4.2 request a public apology from the Board Member in relation to the breach;
 - 3.5.4.3 request the Board Member undertake a particular training course or receive appropriate instruction relevant to the breach;
 - 3.5.4.4 make a recommendation under the Charter for EHA to the constituent council of which the Board Member is a member, that the constituent council terminate the appointment of the Board Member as a Member of the Board of EHA;and in any such case the Board may:
 - 3.5.4.5 report the complaint to the constituent councils and provide the constituent councils with a copy of any report prepared by the investigator; and
 - 3.5.4.6 make a public announcement regarding the matter, including of the complaint made against, the finding and the penalty or sanction (if any) imposed on the Board Member.

4. Confidentiality & Procedural Fairness

All investigations of an alleged breach of the Code will be conducted in confidence save where required to be disclosed by law and until a final report is provided to the Board, at which time the Board may consider whether to keep the information and documents relating to the matter confidential.

The principles of procedural fairness must be observed from the time of receipt of the complaint and during the investigation of the complaint to final determination. The final report is to show due process and the reasoning for any conclusions and recommendations.

5. Further Information

Members of the public may inspect this Procedure on EHA's website (www.eha.sa.gov.au) and at the principal office of EHA at 101 Payneham Road St Peters.

Any queries in relation to this Procedure should be directed to the Chief Executive Officer of EHA via telephone (8132 3600) or e-mail (mlivori@eha.sa.gov.au).

6. Statement of Adoption and Review

This Procedure was adopted on 10 November 1999 and will be reviewed periodically.

EHA may at any time alter this Procedure or substitute Procedure.